SINGLE BENCH

CFRS 100

S.B. (Service Matter)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (CHHATTISGARH)

WRIT PETITION(S) NO. 102/2007.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF WRIT IN NATURE OF MANDAMUS, CERTIORARI OR ANY OTHER WRIT OF LIKE NATURE.

PETITIONER: Smt. Geeta Jaiswal, wife of Ganshyam Prasad Jaiswal, aged about 43 years, Asst. Teacher, Nutan Primary Girls School Hamaalpara Kharsia, Block Kharsia, District Raigargh, Chhattisgarh.

P.R. No. 138/07 Presented by Shri C.J.C. Rao dated 15-02-2007

versus

Respondents

1. State of Chhattisgarh, Through The Secretary School Education Department Ministry D.K.S.Bhawan, Raipur, Chhattisgarh.

2. District Education Officer, Raigarh, Chhattisgarh.

3. Block Development Education Officer, Kharsia, District Raigarh (C.G.).

S.R. Kaushik BILASPUR TAHSIL

RECEIVED COPY 15/2/07 CLERK to A. G. BILASPUR

(33)

HIGH COURT OF CHHATTISGARH AT BILASPUR

W. P.(S) No. 1102 of 2007

Petitioner : Smt. Geeta Jaiswal

Versus

Respondents : State of Chhattisgarh and others

SB: Hon'ble Mr. Justice Satish K. Agnihotri, J

Present: Mr. Om P. Sahu, Advocate for the petitioner.

Mr. Ajay Dwivedi, Panel lawyer for the respondents/State.

O R D E R

(Passed on this 26th Day of February, 2007)

1. The petitioner was appointed on 23.2.82 as Assistant Teacher on fixed pay scale of Rs. 150 for two years, thereafter, Rs. 169/- fixed for third year. After completion of three years probation, he was granted regular pay scale of Rs. 169-300/-.

2. Learned counsel appearing for the petitioner submits that the issue involved in the case is asto whether the petitioner is entitled to regular pay scale w.e.f. the date of initial appointment or from the date of completion of probation period.

3. The issue involved, herein was considered by the Madhya Pradesh State Administrative Tribunal, Jabalpur in O.A. No. 2745/89 (Madhukant Yadu and 56 others Vs. State of M.P. & others), wherein it was held that the similarly situated teachers are entitled to regular pay scale w.e.f. the date of initial appointment. The matter was taken up to the Hon'ble Supreme Court in Special Leave Petition (Civil) No. 6892/93. The said petition was dismissed by the Hon'ble Supreme Court upholding the decision of the Tribunal to the effect

that the Teachers/Assistant Teachers are entitled to regular pay scale from date of initial appointment.

4. Learned counsel appearing for the petitioner further submits that this Court, while considering the same issue in Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (W.P. (S) No. 5976 of 2006) by order dated 7-11-2006, has granted regular pay scale w.e.f. the date of initial appointment.

5. Learned counsel appearing for the parties jointly submit that this case is squarely covered by the decision of this Court in the case of Sushil Tiwari & others Vs. State Govt. of Chhattisgarh & others (Supra).

6. In view of that, this petition is allowed in the same terms. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Bablu